

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, March 14, 2014

The House convened at 10:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Paul Bly, followed by the Pledge of Allegiance led by House pages Gregory Hauck and Camille Sippel.

Roll Call: All members present.

Speaker Pro tempore Wink now presiding.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the reports of the Conference Committees on HB 1111, 1142, 1177, 1213, and 1206.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the reports of the Conference Committees on SB 1, 65, 108, 158, and 177.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the report of the Joint-Select Committee for the purpose of arranging legislative days for the Ninetieth Legislative Session.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the report of the Joint-Select Committee relative to the Joint Rules for the two houses for the Ninetieth Legislative Session.

Respectfully,
Jeannette Schipper, Secretary

MOTIONS AND RESOLUTIONS

HOUSE PAGE RESOLUTION 5 Introduced by: Representatives Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann, Heinert, Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp, Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer.

A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of the Eighty-ninth Legislature of the State of South Dakota to Heidi Becker, Taylor

1 Bergeson, Foster Berry, Ajok Deng, Gregory Hauer, Joshua Holsing, Tanner Iwerks, Heidi
2 Ringling, Bryce Roberts, Camille Sippel, Ashley Sorensen, Dustin Wahl, Mason Wenzel.

3 WHEREAS, the above named served loyally as pages for the House of Representatives of
4 the Eighty-ninth Legislative Session; and

5 WHEREAS, the members of the Eighty-ninth House of Representatives express their most
6 sincere appreciation to these young people for their service to the state; and

7 WHEREAS, the members extend to these young people their wishes for every success in
8 life:

9 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
10 ninth Legislature of the State of South Dakota, that a personal copy of this resolution be duly
11 certified and furnished to each page on this last day of service.

12 Rep. Steele moved that House Page Resolution 5 be adopted.

13 Which motion prevailed and the resolution was adopted.

14 Rep. Cronin moved that a committee of three on the part of the House be appointed to meet
15 with a like committee on the part of the Senate pertaining to fixing the time of adjournment sine
16 die for the Eighty-ninth Legislative Session.

17 Which motion prevailed and the Speaker appointed as such committee Reps. Gosch, Lust,
18 and Bernie Hunhoff.

19 Rep. Cronin moved that a committee of three on the part of the House be appointed to meet
20 with a like committee on the part of the Senate to wait upon his Excellency, the Governor, to
21 inform him that the Legislature has completed its labors and is ready to adjourn sine die and to
22 ascertain if he has any further communications to make to the Legislature.

23 Which motion prevailed and the Speaker appointed as such committee Reps. Gosch, Lust,
24 and Bernie Hunhoff.

25 Rep. Cronin moved that the House do now recess until 4:00 p.m., which motion prevailed
26 and at 10:29 a.m., the House recessed.

27 **RECESS**

28 The House reconvened at 4:00 p.m., Rep. David Novstrup presiding.

1 There being no objection, the House reverted to Order of Business No. 4.

2 COMMUNICATIONS AND PETITIONS

3 March 14, 2014

4 Mr. Speaker and Members of the House of Representatives:

5 I have the honor to inform you that on March 14, 2014, I approved House Bills 1013, 1022,
6 1034, 1038, 1071, 1106, 1120, 1132, 1133, 1134, 1150, 1159, 1161, 1180, 1184, 1185, 1192,
7 1201, 1212, and 1229, and the same have been deposited in the office of the Secretary of State.

8 Respectfully submitted,
9 Dennis Daugaard
10 Governor

11 **REPORTS OF STANDING COMMITTEES**

12 MR. SPEAKER:

13 The Committee on Legislative Procedure respectfully reports that HB 1040, 1041, 1112,
14 1122, 1164, 1175, 1194, 1203, and 1249 were delivered to his Excellency, the Governor, for his
15 approval at 3:55 p.m., March 14, 2014.

16 Also MR. SPEAKER:

17 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
18 and Enrolling has carefully compared HB 1111, 1142, 1177, 1206, and 1213 and finds the same
19 correctly enrolled.

Respectfully submitted,
Brian G. Gosch, Chair

22 Speaker Gosch now presiding.

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1111: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the design, construction, and equipping of a veterans home near Hot Springs, to make an appropriation therefor, and to declare an emergency.

HB 1142: FOR AN ACT ENTITLED, An Act to enhance the support for public postsecondary technical institutes, to transfer certain funds, to make an appropriation therefor, and to declare an emergency.

HB 1177: FOR AN ACT ENTITLED, An Act to prohibit certain use of handheld electronic wireless communication devices while driving and to provide a penalty therefor.

HB 1206: FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to make an appropriation therefore, and to declare an emergency.

HB 1213: FOR AN ACT ENTITLED, An Act to analyze and promote economic development for South Dakota's Native American population and to establish a task force.

SB 1: FOR AN ACT ENTITLED, An Act to provide for the selection of the chair and vice chair of the Executive Board of the Legislative Research Council, to revise the membership of the Executive Board, to provide for the term of each constituted Executive Board, to provide for the year-round governance of the Legislative Research Council by the Executive Board, and to provide for continuity of board membership.

SB 65: FOR AN ACT ENTITLED, An Act to revise and clarify voter eligibility for road district elections.

SB 108: FOR AN ACT ENTITLED, An Act to require a study of services and insurance coverage for the treatment of autism spectrum disorder for children.

SB 158: FOR AN ACT ENTITLED, An Act to revise certain funding provisions of the building South Dakota fund.

SB 177: FOR AN ACT ENTITLED, An Act to make an appropriation to provide contingency funds to be made available for unanticipated costs related to medical services and to declare an emergency.

And signed the same in the presence of the House.

Rep. Lust moved that the House do now recess until 5:30 p.m., which motion prevailed and at 4:05 p.m., the House recessed.

1 **RECESS**

2 The House reconvened at 5:30 p.m., the Speaker presiding.

3 There being no objection, the House reverted to Order of Business No. 8.

4 **MOTIONS AND RESOLUTIONS**

5 Rep. Lust moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
6 Monday, March 31, the 38th legislative day.

7 Which motion prevailed.

8 Rep. Lust moved that the House do now recess until 6:30 p.m., which motion prevailed and
9 at 5:45 p.m., the House recessed.

10 **RECESS**

11 The House reconvened at 6:30 p.m., the Speaker presiding.

12 There being no objection, the House reverted to Order of Business No. 7.

13 **MESSAGES FROM THE SENATE**

14 MR. SPEAKER:

15 I have the honor to inform your honorable body that the Senate has appointed
16 Sens. Lederman, Peters, and Sutton as a committee of three on the part of the Senate to meet
17 with a like committee on the part of the House pertaining to fixing the time of adjournment sine
18 die for the Eighty-ninth Legislative Session.

19 Also MR. SPEAKER:

20 I have the honor to inform your honorable body that the Senate has appointed
21 Sens. Brown, Rave, and Frerichs as a committee of three on the part of the Senate to meet with
22 a like committee on the part of the House to wait upon his Excellency, the Governor, to inform

him that the Legislature has completed its labors, is ready to adjourn sine die, and to ascertain if he has any further communications to make to the Legislature.

Also MR. SPEAKER:

I have the honor to transmit herewith SB 188 which has passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Jeannette Schipper, Secretary

MOTIONS AND RESOLUTIONS

Rep. Lust moved that the rules be suspended for the sole purpose of giving first reading, dispensing with committee referral, and giving second reading and final consideration to a bill relating to the per student allocation for fiscal year 2015.

The question being on Rep. Lust's motion that the rules be suspended for the sole purpose of giving first reading, dispensing with committee referral, and giving second reading and final consideration to a bill relating to the per student allocation for fiscal year 2015.

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wismer; Speaker Gosch

Excused:

Craig; Wink

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion carried.

1 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 188: FOR AN ACT ENTITLED, An Act to set the per student allocation for fiscal year
3 2015.

4 Was read the first time.

5 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

6 SB 188: FOR AN ACT ENTITLED, An Act to set the per student allocation for fiscal year
7 2015.

8 Was read the second time.

9 The question being "Shall SB 188 pass?"

10 And the roll being called:

11 Yeas 69, Nays 0, Excused 1, Absent 0

12 Yeas:

13 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
14 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
15 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
16 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
17 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
18 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
19 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
20 Wick; Wismer; Speaker Gosch

21 Excused:

22 Wink

23 So the bill having received an affirmative vote of a two-thirds majority of the members-
24 elect, the Speaker declared the bill passed and the title was agreed to.

25 There being no objection, the House reverted to Order of Business No. 7.

1 DESCRIPTION: DSS - To expand South Dakota's Medicaid program in accordance with the
2 Affordable Care Act. (Rep. Wismer)

3 Rep. Cronin moved the previous question.

4 Which motion prevailed.

5 A roll call vote was requested and supported.

6 The question being on Rep. Wismer's motion that SB 187 be amended.

7 And the roll being called:

8 Yeas 18, Nays 51, Excused 1, Absent 0

9 Yeas:

10 Bartling; Feickert; Feinstein; Gibson; Hawks; Hawley; Heinert; Hunhoff (Bernie); Killer;
11 Kirschman; Parsley; Peterson; Ring; Schoenfish; Schrempp; Soli; Tyler; Wismer

12 Nays:

13 Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
14 Ecklund; Erickson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Heinemann (Leslie);
15 Hickey; Hoffman; Johns; Kaiser; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
16 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rasmussen;
17 Romkema; Rounds; Rozum; Russell; Schaefer; Sly; Solum; Stalzer; Steele; Stevens; Tulson;
18 Verchio; Werner; Westra; Wick; Speaker Gosch

19 Excused:

20 Wink

21 So the motion not having received an affirmative vote of a majority of the members
22 present, the Speaker declared the motion lost.

23 Rep. Cronin moved the previous question.

24 Which motion prevailed.

25 The question being "Shall SB 187 pass as amended?"

26 And the roll being called:

27 Yeas 59, Nays 10, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Gibson; Greenfield; Hagggar (Don); Hagggar (Jenna); Hajek; Hawks; Hawley;
4 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kirschman; Kopp;
5 Langer; Latterell; Lust; Magstadt; Mickelson; Munsterman; Novstrup (David); Olson (Betty);
6 Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Romkema; Rounds; Rozum; Schaefer;
7 Schoenfish; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
8 Wick; Wismer; Speaker Gosch

9 Nays:

10 Campbell; Feinstein; Kaiser; Killer; May; Nelson; Ring; Russell; Schrempp; Soli

11 Excused:

12 Wink

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 There being no objection, the House reverted to Order of Business No. 5.

16 **REPORTS OF STANDING COMMITTEES**

17 MR. SPEAKER:

18 The Committee on Legislative Procedure respectfully reports that HB 1111, 1142, 1177,
19 1206, and 1213 were delivered to his Excellency, the Governor, for his approval at 7:10 p.m.,
20 March 14, 2014.

21 Respectfully submitted,
22 Brian G. Gosch, Chair

23 **SIGNING OF BILLS**

24 The Speaker publicly read the title to

25 SB 187: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary
26 expenses of the legislative, judicial, and executive departments of the state, the expenses of state
27 institutions, interest on the public debt, and for common schools.

28 SB 188: FOR AN ACT ENTITLED, An Act to set the per student allocation for fiscal year
29 2015.

30 And signed the same in the presence of the House.

3 Arlene Kvislen, Chief Clerk